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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,743	02/05/2004	Yoshinori Endo	566.43491X00	5342
20457 7590 10/04/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,743	Applicant(s) ENDO ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/18/07 (the amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-7,9,10 and 13-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the amendment received on 7/18/2007.
2. Claims 1-20 are pending in this application; claim 20 is withdrawn.

Drawings

3. 24 sheets of formal drawings are accepted by the examiner for examining purposes.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a route search method for a navigation device, does not reasonably provide enablement to enable a person of ordinary skill in the art to which it pertains, or with which it is most nearly connected, to duplicate the invention commensurate in scope with this claim because it ONLY requires a setting step which set a departure position (*see the disclosure of para. [0081] First, the user operation analyzer 41 sets a departure position, a destination, and a departure point of time in the route search unit 42 (S1001 to S1003).*”), according to this specification, it must require: a position, a destination, and a departure point; therefore, it has an enablement problem with this claimed limitation.

Claim Rejections - 35 USC § 112

5. Claims 1, 8, and 11-12 are rejected under 35 U.S.C. 112, 2nd paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

A. As to claim 1: “conditions of collection” are not defined in this claim; therefore, this is vague (see the disclosure: “[0010] Also, in a first aspect of the traffic information display method according to the present invention, map data including link data of respective links constituting roads on a map is stored in a storage unit of a navigation device. Also, a degree of jam every time zone of the respective links determined by statistical values of traffic information collected in the past is stored in the storage unit. The degree of jam is classified every condition of collection of traffic information. And the navigation device performs setting step which sets conditions of collection, reading step which reads out from the storage unit statistical data corresponding to the conditions of collection, out of the statistical data of the respective links in the map data displayed on a display device, and degree of jam displaying step which displays a degree of jam every time zone of the respective links specified by the statistical data thus read overlappingly on the map displayed on the display device.”); or

“[0050] The table 3224 is one which registers traffic information statistical values every time zone, and is provided every link ID registered in the table 3223. The traffic information statistical values every time zone include link travel time (or moving speed), degree of dispersion (dispersion) in link travel time (or moving speed), and degree of link jam, which are specified by plural traffic information being an origin of the values, and an information source (VICS and the like) of the plural traffic information

being the origin. Further, the traffic information statistical values every time zone are classified according to the collection condition of the traffic information being an origin (a day type and a weather type in which traffic information being an origin is collected) and a link under consideration. That is, the link under consideration for the traffic information statistical values every time zone which are registered in the table 3224 is one specified by a link ID in the table 3223 corresponding to the table 3224, and traffic information being an origin of the statistical values is one collected in a weather specified by the weather type in the table 3222 corresponding to the table 3223 in which the link ID is registered, and a day specified by the day type in the table 3221 corresponding to the table 3222 in which the weather type is registered.”.

B. As to claim 8: It lacks an antecedence basis for “... to the destination ...” (see claim 8, line 14).

C. As to claims 11-12: Both of these claims depend on claim 8; however, claim 11 asserts that “...does not newly obtains present status data ...”, and claim 12 oppositely asserts that same condition “... newly obtains present status data ...” – they are conflict to each other; i.e., only one claimed condition is TRUE, another must be FALSE (a FALSE condition is not logic, and should not be a claim). The examiner’s position is a limitation on a claim can broadly be thought of then as its ability to make a meaningful contribution to the definition of the invention in a claim. The claimed method is unclear for making a meaningful step from their parent claim.

Conclusion


6. Claims 1, 8, 11-12 are rejected; claims 2-7, 9-10, 13-19 are objected.
7. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm. Mon. – Tuesday, and Thurs. - Friday.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


/CUONG H. NGUYEN
Primary Examiner
Art Unit 3661